

**REMARKS**

This is in response to the Final Office Action mailed on June 22, 2011 concerning the above-identified application.

***Status of the Claims***

Claim 79, 81, and 83 have been amended and claims 84-87 have been added without the introduction of new matter.

***Rejection under 35 U.S.C. 103***

Claims 79-83 have been rejected under 35 U.S.C. 103, as being unpatented over Koike et al (Koike) USPN 5,716,367 in view of Makower et al (Makower) USPN 6,071,292.

Koike discloses a catheter device for suturing closed an opening between the atrium of a heart. Koike discloses passing suture through four holes in tissue, as shown in Fig. 10. In Figure 17, the suture is shown passing through two tubular members P. However, these tubular members are not located at the distal ends of the suture line T. In addition, it is clear that a single suture line T is passed through all four holes and the opening C is closed in a purse string fashion.

Makower teaches a suture line with at least two engagement members 30a or 209 located at both the distal and proximal ends of the suture, as shown in Figures 13 and 27b, respectively, for example. Thus, both ends of the suture include an engagement member and both ends of the suture are engaged with the tissue. Thus, the proximal end of the suture is not free and, therefore, it cannot be accessed from its proximal end.

Amended independent claim 79 recites that “each anchor includes **a rigid member at a distal end thereof**” and an elongate tensile member having “**a free proximal end** and a distal end operatively coupled to the rigid member of the at least one anchor.” The presently claimed

invention offers significant advantages over Koike because the same suture is strung through multiple positions in the tissue. Thus, there is more chances that placement of the suture can become faulty because multiple operations with the same suture are required. In contrast, in the system as presently claimed a first anchor can be deployed and then a separate anchor with a separate suture can be deployed. Accordingly, during the deployment stage, the anchors can be independently placed as needed. Similarly, in Makower the elements are interconnect and the elements are located at both the proximal and distal ends of the sutures. This creates the same issue as discussed with Koike of the complicated procedure of performing multiple operations with an interconnected device in order to achieve desired placement. Neither Koike nor Makower, either alone or in combination, fairly teach or suggest an anchor delivery structure which includes a rigid member coupled to a distal end of an elongate tensile member having a free proximal end, as recited in claim 79. Accordingly, Applicant submits that independent claim 79 is allowable over Koike in view of Makower for at least this reason.

Claims 80-83 each depend from independent claim 79 and Applicant submits that claims 80-83 are allowable at least due to their dependence from an allowable independent claim and in view of their respective further recitations.

*New claims 84-87*

New independent claim 84 recites at least first and second anchors, each having a rigid member and an elongate tensile member that extends independently and proximally therefrom to a position exterior of patient. Accordingly, the anchors can be applied separately and independent of each other. Further, exterior access to the proximal end of the tensile member provides access to a surgeon so that other devices, such as a lock, for example, can be applied to the tensile member and advanced toward the distal end. This access could allow a lock to be applied to both tensile members and advanced toward their distal ends to perform an annuloplasty procedure, for example. This arrangement provides significant advantages over Koike, which discloses a suture being passed through multiple locations, and Makower, which shows chained members. Accordingly, Applicant respectfully submits that new independent claim 84 is allowable.

Claims 85-87 each depend from independent claim 84 and Applicant submits that claims 85-87 are allowable at least due to their dependence from an allowable independent claim and in view of their respective further recitations.

**CONCLUSION**

It is believed that no fees are due or all fees have been paid; however, if the Patent Office believes that additional fees are due, the Patent Office is authorized to charge Deposit Account No. 50-4570.

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